

**A RESOLUTION BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO NEGOTIATE SETTLEMENT TERMS FOR THE LAWSUIT STYLED *GREATER ATLANTA HOMEBUILDERS. v. CITY OF ATLANTA, GEORGIA*, CIVIL ACTION NO. 2003-CV-65680, SUPERIOR COURT OF FULTON COUNTY, WITH THE AMOUNT OF ANY PAYMENT BY THE CITY NOT TO EXCEED \$100,000 ; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE FINAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, the Greater Atlanta Homebuilders Association, Inc. ("GAHBA") filed a lawsuit, *Greater Atlanta Homebuilders Association, Inc. v. City of Atlanta, Georgia*, Civil Action No. 2003-Cv-65680, Superior Court of Fulton County, against the City alleging that the level of expenditures set forth in the City's various public financial documents resulted in the charging of building permit fees for construction of single family homes exceeding the amount allowed by state law; and

WHEREAS, the City has offered vigorous defenses to the allegations of the lawsuit brought by GABHA; and

WHEREAS, GAHBA is an organization whose purpose is to advance the interests of single family homebuilders in Atlanta area; and

WHEREAS, GAHBA and the City have, in good faith, engaged in lengthy and detailed negotiations concerning certain arrangements with respect to a level of expenditures for service improvements in the Bureau of Buildings that would be acceptable to the City and that would advance the interests of the membership of GAHBA; and

WHEREAS, the City and GAHBA have reached general agreement on the non-financial terms of a settlement agreement which involve the implementation of certain service improvements and the documentation of certain service level criteria and other administrative and operational details; and

WHEREAS, the City Attorney and the Commissioner of the Department of Planning and Community Development believe that the general settlement agreement terms are reasonable accommodations for GAHBA's agreement to dismiss their lawsuit with the City paying reasonable attorney fees; and

WHEREAS, the City agrees that a cap of \$100,000 on attorney fees for a case of this complexity is reasonable; and

WHEREAS, GAHBA has agreed to document the hours expended by its attorneys and to take only amount of actual attorney fees which have accrued at the end of the settlement negotiations with a cap of \$100,000; and

WHEREAS, the City Attorney, after conducting a thorough review of this matter, recommends this settlement as being in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney is authorized to settle the case of *Greater Atlanta Homebuilders Association, Inc. v. City of Atlanta, Georgia*, Civil Action No. 2003-Cv-65680, Superior Court Of Fulton County, for an amount not to exceed \$100,000; and

BE IT FURTHER RESOLVED THAT the City Attorney is authorized, on behalf of the City, to negotiate the non-financial terms necessary to terminate the litigation and to sign such agreements or other documents necessary to effectuate the terms of this resolution; and

BE IT FURTHER RESOLVED THAT no agreement or other document will be binding upon the City and the City will incur no liability under it, until: (1) it has been executed by GAHBA, by the City Attorney and delivered to GAHBA; and (2) a copy of a Voluntary Dismissal has been filed with Clerk of Superior Court and a copy delivered to the City Attorney.

BE IT FURTHER RESOLVED THAT the Chief Financial Officer is authorized to pay not more than \$100,000 to GAHBA and/or their attorneys of record after notice from the City Attorney that the Voluntary Dismissal has been received, such sum to be charged to FAC1AO1 529017 T31001.